

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

MARIA RAMIREZ)	
Claimant)	
VS.)	
)	
IBP, INC.)	Docket No. 217,459
Respondent)	
Self-Insured)	

ORDER

Claimant appeals from a preliminary hearing Order, dated September 16, 1997, entered by Administrative Law Judge Floyd V. Palmer.

ISSUES

Claimant contends the Administrative Law Judge erred in denying claimant's request for change of physician and additional medical treatment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board concludes claimant has not, in this appeal, stated a jurisdictional issue, and the Appeals Board does not have jurisdiction, at this stage of the proceedings, to consider the arguments made.

Claimant argues she is in need of additional medical treatment and requests that a different physician be designated, specifically a physiatrist. The Administrative Law Judge ruled claimant has not carried her burden to show a need for additional medical treatment.

The issues raised by claimant's challenge to the ruling of the Administrative Law Judge are not ones identified as jurisdictional in K.S.A. 44-534a, as amended, and do not otherwise constitute a contention that the Administrative Law Judge exceeded his jurisdiction. The Appeals Board, therefore, has no jurisdiction to decide this appeal. See K.S.A. 44-551, as amended. The Order Denying Medical Treatment of the Administrative Law Judge will stand as entered.

WHEREFORE, the Appeals Board finds the appeal should be dismissed, and the Order Denying Medical Treatment, dated September 16, 1997, entered by Administrative Law Judge Floyd V. Palmer, remains in effect as originally entered.

IT IS SO ORDERED.

Dated this ____ day of November 1997.

BOARD MEMBER

c: Diane F. Barger, Wichita, KS
Craig A. Posson, Dakota City, NE
Floyd V. Palmer, Administrative Law Judge
Philip S. Harness, Director